

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

U.S.A. vs. Ruben James Rocha

Docket No. 1:21-CR-00028-RP

Petition for Action on Conditions of Pretrial Release

COMES NOW Daniel Palomares, pretrial services/probation officer, presenting an official report upon the conduct of defendant Ruben James Rocha, who was placed under pretrial release supervision by the U.S. Magistrate Judge Susan Hightower, sitting in the court at Western District of Texas-Austin Division on the 25th date of June, 2021 under the following conditions:

See Order Setting Conditions of Release dated June 25, 2021.

(1) The defendant must not violate federal, state, or local law while on release.

(7)(f) The defendant must abide by the following restrictions on personal association, residence, or travel: Travel restricted to Travis and adjoining counties, unless approved by the Court or U.S. Pretrial Services. No foreign travel. Reside at address pre-approved by Pretrial Services.

(7)(m) The defendant must not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 USC 802, unless prescribed by a licensed medical practitioner.

(7)(s) The defendant must report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 3, 2021, U.S. Pretrial Services was notified via e-mail by the defendant's Travis County Probation Officer that the defendant was arrested on October 29, 2021 by the Dimmit County Sheriff's office for Possession of a Controlled Substance and Possession of Marijuana. The defendant's Travis County Probation Officer advised a Motion to Revoke the defendant's Probation will be filed in Case No. D-1-DC-18-203552. After a record check and further investigation, it was confirmed that the defendant was arrested on October 29, 2021 by the Dimmit County Sheriff's office for Ct. 1: Possession of a Controlled Substance greater than or equal to 4 grams but less than 200 grams (felony) and Ct. 2: Possession of Marijuana less than 2 ounces (misdemeanor).

On November 3, 2021, U.S. Pretrial Services contacted the defendant via his cellphone. He was initially hesitant to provide any information about his arrest. U.S. Pretrial Services confronted the defendant with the information and asked if he was arrested on October 29, 2021. The defendant verbally admitted he was arrested on October 29, 2021 by the Dimmit County Sheriff's office. He indicated he was advised by his bondsman not to disclose his arrest to the Pretrial Services Office. The defendant verbally admitted traveling to Uvalde, Texas to help a friend move on October 29, 2021 without first obtaining permission from U.S. Pretrial Services. The defendant further explained that he and his friend took a wrong turn on their way to Uvalde, Texas, and were subsequently stopped by deputies with the Dimmit County Sheriff's office. He stated the deputies accused them of transporting undocumented people. The defendant indicated

PS 8
(Rev. 12/04)

Page 2

Ruben James Rocha
Case #1:21CR00028-RP

that he and his friend denied the allegations made by the deputies. The defendant further provided that the deputies subsequently searched both he and his friend, finding narcotics on his friend only. The defendant claimed he was not aware his friend possessed narcotics. The defendant did not disclosed any further information.

On November 4, 2021, U.S. Pretrial Services received the Incident Report for the defendant's October 29, 2021 arrest from the Dimmit County Sheriff's Office. After reviewing the incident report, it was further confirmed that the defendant was arrested on October 29, 2021, by deputies with the Dimmit County Sheriff's Office at the Border Patrol Checkpoint on Highway 277 at 3:36 a.m. According to the Incident Report, the defendant was stopped crossing the U.S. Border Patrol Checkpoint and instructed by U.S. Border Patrol agents to pull over to the secondary lane for further inspection. After further inspections, U.S. Border Patrol agents located 17.38 grams of methamphetamine and 28.48 grams of marijuana on the body of the defendant. The report indicates the defendant admitted to only possessing 3 grams of methamphetamine (personal use) and denied possession of the marijuana and the rest of methamphetamine. The report also notes the defendant was found to be in possession of a glass pipe with residue inside the bowl of the glass pipe and was cited for Possession or Delivery of Drug Paraphernalia. Furthermore, the report indicates the defendant admitted to the arresting deputy from the Dimmit County Sheriff's Office that he is a member of the Tango Blast gang. The defendant was arrested without incident and booked into the Dimmit County Sheriff's Office. He was subsequently released on bond and the amounts of the bonds are pending further verification with Dimmit County. The defendant is set to have a court hearing for the Possession or Delivery of Drug Paraphernalia charge before Judge Alberto Esquivel on November 29, 2021 at 10:00 a.m. in Carrizo Springs, Texas.


It should be noted the defendant is set for a Sentencing Hearing before U.S. Magistrate Judge Robert Pitman on January 7, 2022 at 10:00 a.m.

Assistant U.S. Attorney, Michelle Fernald, has been advised of these violations and concurs with the proposed course of action at this time.

PRAYING THAT THE COURT WILL ORDER a warrant be issued for the defendant's arrest and he be brought before the court to show cause why his bond should not be revoked.

ORDER OF COURT

Considered and ordered this 5th day of
November, 2021 and ordered filed
and made a part of the records in the above case.



U.S. District Judge/Magistrate Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/05/2021



U.S. Pretrial Services Officer

Phone Number

+1 (512) 839-0675



Supervisory

U.S. Pretrial Services Officer

Phone Number

+1 (210) 818-7861

Place

U.S. Pretrial Services Office
501 West 5th Street, Suite 3200
Austin, Texas 78701